

# Order

**Supreme Court  
Lansing, Michigan**

September 23, 2005

Clifford W. Taylor,  
Chief Justice

127660

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

JOYCE MCDOWELL, as Personal  
Representative of the estates of BLAKE  
BROWN, JOYCE BROWN, and  
CHRISTOPHER BROWN, deceased, and  
as Conservator for JONATHON FISH,  
JOANNE CAMPBELL, and JUANITA FISH,  
Plaintiff-Appellee,

v

SC: 127660  
COA: 246294  
Wayne CC: 00-039668-NO

CITY OF DETROIT and the DETROIT  
HOUSING COMMISSION,  
Defendants-Appellants.

---

On order of the Court, the application for leave to appeal the November 9, 2004 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), we direct the Clerk to schedule oral argument on whether to grant the application or take other peremptory action permitted by MCR 7.302(G)(1). The parties shall include among the issues to be addressed at oral argument whether the Court of Appeals erred in holding that negligent nuisance is an exception to governmental immunity under *Hadfield v Oakland County Drain Commissioner*, 430 Mich 139 (1988), and whether, if a fire begins in the space between an inner and outer wall of leased premises, the fire "trespasses" to the tenant's premises when it spreads beyond the inner wall. The parties may file supplemental briefs within 28 days of the date of this order, but they should avoid submitting mere restatement of arguments in application papers.



d0919

I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 23, 2005

*Corbin R. Davis*

Clerk